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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,934	07/21/2003	Naomasa Takahashi	09812.0369-00000	6473
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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER TRAN, TUYETLIEN T	
			ART UNIT 2179	PAPER NUMBER PAPER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/623,934	TAKAHASHI, NAOMASA
	Examiner TuyetLien (Lien) T. Tran	Art Unit 2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 June 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

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DETAILED ACTION

1. This action is responsive to the following communication: Amendment filed 6/20/07.

This action is made non-final.

2. Claims 1-8 are pending in the case. Claims 1, 5 and 7 are independent claims.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/20/2007 has been entered.

Claim Rejections - 35 USC § 112

4. Applicant's amendment corrects the previous rejection and therefore the rejection is withdrawn.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemmons et al (Patent No. US 6442755 B1; hereinafter Lemmons) in view of Markel et al (Pub No. US 2002/0026637 A1; hereinafter Markel).

As to claim 1, Lemmons teaches:

An electronic equipment (e.g., see Figs. 1-2) comprising:

a display unit including a display screen (e.g., a display screen of the television equipment, see col. 2 lines 4-13);

a plurality of interfaces for inputting visual media information from a plurality of external sources (e.g., see Figs. 1-3; note visual media information includes both video and data or television programming and that if desired, data can be provided over separate communication paths, see col. 3 lines 47-52 and col. 4 lines 14-39; further note there are preferably numerous television distribution facilities 16 and that link 18 may be a combination of a satellite link, a telephone network link, a cable or fiber optic links, and a microwave link or any other suitable communications path, see col. 3 lines 3-18; in addition, video signal can be provided from a plurality of external sources such as the user tunes set-top box or a digital signal provided to a display on an appropriate digital bus, see col. 4 lines 14-39);

script text acquisition means for acquiring one or more script texts containing at least a media element identification of said visual media information to be input from one of said interfaces, and a display layout of said media element on said display screen (e.g., see col. 3 lines 19-40, Figs. 5, 7a-7b and col. 6 lines 64-67 – col. 7 lines 1-9; note the script text as shown in Fig. 7a, 7b contains at least a media element identification such as display elements 1-3 and a display layout of the media element; further note that the display elements includes any suitable program guide display screen element such as advertisement elements, program listings grid elements, video window elements, text window elements, see col. 7 lines 42-47);

a script text storage unit for storing one or more script texts taken in by said script text acquisition means (e.g., see col. 7 lines 18-25);

script text selection means for selecting a script text from one or more script texts stored in said script text storage unit (e.g., see col. 8 lines 41-57);

an interface selection means for identifying the external source of said media element based on the external source information contained in said script text selected by said script text selection means and selecting one of said plurality of interfaces corresponding to the identified external source to input said media element (e.g., see col. 8 lines 1-9, lines 41-57 and Fig. 6a; note that screen 50 as shown in Figs. 6a-6b is generated using a scripting text, it is clearly shown that the external source of said media element and the interface corresponding to the source are identified); and

script process means for displaying said media element on said display screen in accordance with said display layout contained in said script text selected by said script text selection means (e.g., see Figs. 7a-7b and col. 8 lines 1-9).

Lemmons does not expressly teach that the script text contains an external source information of the media element.

In the same field of endeavor of displaying video and interactive content (e.g., see Markel [0003]), Markel teaches a system for displaying video and interactive content comprising a plurality of interfaces for inputting visual media information from a plurality of external sources and script text containing link tag to a plurality of media source (e.g., see [0003], [0028], [0033], [0034] and Figs. 3, 7; note the URL tag and SRC tag in the script text shown in Fig. 7).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the feature of examining script text file to identifying the media source and its display layout as taught by Markel to the electronic equipment as taught by Lemmons to achieve the claimed invention. The motivation for the combination is to be able to

change user screens or program guide functionality without downloading an entire new program guide application (e.g., see Lemmons col. 1 lines 28-37).

As to claim 5, Lemmons teaches:

A server (e.g., television distribution facility 16 as shown in Fig. 1) comprising:
a script text storage unit (e.g., item 12 in Fig. 1) for storing one or more script texts (e.g., see col. 3 lines 19-31), containing at least a media element identification of visual media information to be input into an electronic equipment from one of a plurality of interfaces, a display layout of said media element on a display screen (e.g., see col. 3 lines 19-40, Figs. 5, 7a-7b and col. 6 lines 64-67 – col. 7 lines 1-9; note the script text as shown in Fig. 7a, 7b contains at least a media element identification such as display elements 1-3 and a display layout of the media element; further note that the display elements includes any suitable program guide display screen element such as advertisement elements, program listings grid elements, video window elements, text window elements, see col. 7 lines 42-47); and

script text distribution means for reading a corresponding script text from said script text storage unit to distribute said script text to said electronic equipment through a network in response to a request from said electronic equipment as a client (e.g., see col. 3 lines 19-31),

wherein said media element is input by one of said plurality of interfaces corresponding to said external source information at the electronic equipment (e.g., see col. 8 lines 1-9 and lines 41-57; note that screen 50 as shown in Figs. 6a-6b is generated using a scripting text, it is clearly shown that the external source of said media element and the interface corresponding to the source are identified).

Lemmons does not expressly teach that the script text contains an external source information of the media element. However, Markel teaches a system for displaying video and interactive content comprising a plurality of interfaces for inputting visual media information from

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a plurality of external sources and script text containing link tag to a plurality of media source (e.g., see [0003], [0028], [0033], [0034] and Figs. 3, 7; note the URL tag and SRC tag in the script text shown in Fig. 7). Thus, combining Lemmons and Markel would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

As to claim 7, Lemmons teaches:

A presentation method of a layout script text (e.g., see Figs. 7a-7b), said method comprising the steps of:

connecting a server to an electronic equipment through a network (e.g., see Fig. 1 and col. 3 lines 3-19), said server including a media element identification of visual media information to be input to said electronic equipment from one of a plurality of interfaces (e.g., see col. 3 lines 3-31; note that program guide includes television program listings data such as channel and media element, see Fig. 5), and a script text storage unit (e.g., item 12 in Fig. 1) for storing a script text (e.g., see col. 3 lines 19-31) defining at least a display layout of said media element on a display screen (e.g., see Figs. 7a-7b and col. 6 lines 64-67 – col. 7 lines 1-9), said electronic equipment including a function of making said media element be displayed on the display screen in accordance with a script text (e.g., see Figs. 7a-7b and col. 8 lines 1-9);

requesting a distribution of said script text to said server from said electronic equipment (e.g., col. 8 lines 33-40); and

reading a corresponding script text from said script text storage unit to distribute said script text to said electronic equipment through said network in response to said request issued to said server (e.g., step 400 in Fig. 8; note that script texts are stored in storage 12 as shown in Fig. 1);

wherein said media element is input by one of said plurality of interfaces corresponding to said external source information at the electronic equipment (e.g., see Figs. 1-3; note visual

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media information includes both video and data or television programming and that if desired, data can be provided over separate communication paths, see col. 3 lines 47-52 and col. 4 lines 14-39; further note there are preferably numerous television distribution facilities 16 and that link 18 may be a combination of a satellite link, a telephone network link, a cable or fiber optic links, and a microwave link or any other suitable communications path, see col. 3 lines 3-18; in addition, video signal can be provided from a plurality of external sources such as the user tunes set-top box or a digital signal provided to a display on an appropriate digital bus, see col. 4 lines 14-39).

Lemmons does not expressly teach that the server includes an external source information of said media element. However, Markel teaches a system for displaying video and interactive content comprising a plurality of interfaces for inputting visual media information from a plurality of external sources and script text containing link tag to a plurality of media source (e.g., see [0003], [0028], [0033], [0034] and Figs. 3, 7; note the URL tag and SRC tag in the script text shown in Fig. 7). Thus, combining Lemmons and Markel would meet the claimed limitations for the same reasons as discussed with respect to claim 1 above.

As to claim 2, Lemmons further teaches:

said plurality of interfaces include a function of inputting visual media information different from each other through a plurality of channels (e.g., see col. 5 lines 22-30 and Fig. 5), and

said script text includes information for defining said interface for inputting said media element and a channel of said interface (e.g., see Figs. 5, 7a-7b and col. 6 lines 64-67 – col. 7 lines 1-9; those skilled in the art will appreciate including a channel information in the script text, such implementation would not leave the scope and spirit of the disclosed invention, see col. 10 lines 50-53).

As to claim 3, Lemmons further teaches wherein said script text acquisition means selects a desired script text and takes in said script text from a server for presenting said script text through a network (e.g., see col. 7 lines 10-25, col. 8 lines 33-57 and Fig. 9).

As to claim 4, Lemmons further teaches wherein said script text acquisition means selects a desired script text and takes in said script text from a detachably mountable storage medium which records said script text (e.g., the script text can be stored locally by a program guide, see col. 7 lines 20-25; note it is clearly that a desired script text can be taken from a detachably mountable storage 31 as shown in Fig. 2).

As to claim 6, Lemmons further teaches:
recognition means for recognizing a specification of said electronic equipment as a requester (e.g., see col. 5 lines 51-67 and col. 6 lines 25-41); and

script change means for changing a content of a script text read from said script text storage unit to be optimized according to said specification of said electronic equipment recognized by said recognition means (e.g., see col. 8 lines 33-57 and Fig. 9).

As to claim 8, Lemmons further teaches wherein said server recognizes a specification of said electronic equipment as a requester (e.g., see col. 7 lines 10-25 and see col. 5 lines 51-67), changes a content of a script text read from said script text storage unit to be optimized in accordance with said recognized specification of said electronic equipment, and distributes said changed script text to said electronic equipment (e.g., see col. 8 lines 33-57 and Fig. 9).

Response to Arguments

7. Applicant's arguments filed on 6/20/07 with respect to claims 1-8 have been fully considered but are not persuasive.

Applicant's arguments that the prior art of Lemmons does not teach or suggest "a plurality of interfaces for inputting visual media information from a plurality of external sources" (e.g., see Applicant's remark page 7, Para 4).

Examiner respectfully disagrees and submits that the prior art of Lemmons teaches the limitation of a plurality of interfaces for inputting visual media information from a plurality of external sources for the following reasons:

- The prior art of Lemmons teaches that visual media information includes both video and data or television programming and that if desired, data can be provided over separate communication paths, see col. 3 lines 47-52 and col. 4 lines 14-39;
- there are preferably numerous television distribution facilities 16 and that link 18 may be a combination of a satellite link, a telephone network link, a cable or fiber optic links, and a microwave link or any other suitable communications path, see col. 3 lines 3-18;
- video signal can be provided from a plurality of external sources such as the user tunes set-top box or a digital signal provided to a display on an appropriate digital bus, see col. 4 lines 14-39);

The examiner would like to point out that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In addition, the examiner would also like to point out that the question under 35 U.S.C. 103 is not merely what the references expressly teach, but what they would have suggested to

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one of ordinary skill in the art at the time the invention was made." In re Lamberti, 545 F.2d 747, 750, 192 USPQ 278, 280 (CCPA 1976).

Applicant's arguments that the prior art of Lemmons does not teach or suggest "script text acquisition means for acquiring one or more script texts, containing at least a media element identification of said visual media information to be input from one of said interfaces, an external source information of the media element, and a display layout of said media element on said display screen" (e.g., see Applicant's remark page 9, Para 1).

This argument has been fully considered and are persuasive. However, upon further consideration, a new ground(s) of rejection is made in view of Markel as rejected supra.

Applicant's arguments that the prior art of Lemmons does not teach or suggest "an interface selection means for identifying the external source of said media element based on the external source information contained in said script text selected by said script text selection means and selecting one of said plurality of interfaces corresponding to the identified external source to input said media element" (e.g., see Applicant's remark page 10, Para 1).

This argument has been fully considered and are persuasive. However, upon further consideration, a new ground(s) of rejection is made in view of Markel as rejected supra.

Conclusion

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuyetLien (Lien) T. Tran whose telephone number is 571-270-1033. The examiner can normally be reached on Mon-Friday: 7:30 - 5:00 (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

T.T
8/08/2007

Lien Tran
Examiner
Art Unit 2179

BA HUYNH
PRIMARY EXAMINER

